

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER WHORLEY, individually and
on behalf of all other persons similarly situated,

Plaintiff,

14-cv-1239 (PKC)

-against-

ORDER

JONROCMAN 930, LLC; SAMUEL GAVISH;
and LLOYD B. SUGARMAN; jointly and
severally,

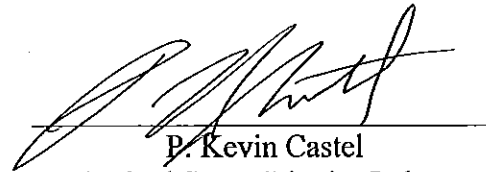
Defendants.
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CASTEL, U.S.D.J.

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7-20-15</u>

On April 21, 2015, plaintiff moved to conditionally certify a collective action and authorize distribution of a collective action notice to putative party plaintiffs pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). (Dkt. No. 19.) On June 8, 2015, the Court granted plaintiff's motion for conditional certification with respect to all hourly server and wait-staff employees of the "Third Ave. Johnny Rockets," who were employed within three years of the commencement of this action. (Dkt. No. 28.) The Court also directed plaintiff to submit a revised order conditionally certifying a collection action and a revised proposed notice to potential opt-in plaintiffs within fourteen (14) days of the Order granting conditional certification. To date, plaintiff has failed to submit both a revised order and revised notice. If by August 10, 2015, plaintiff fails to submit the revised order or the revised notice as directed, the Court will vacate its Order granting conditional certification.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
July 20, 2015